

CABINET FOR FAMILIES AND CHILDREN

DEPARTMENT FOR SOCIAL INSURANCE

"An Equal Opportunity Employer M/F/D"



DIVISION OF CHILD SUPPORT ENFORCEMENT

Action Memorandum

DCSE-AM-97-01

TO: Staff, Division of Child Support Enforcement

DATE: August 1, 1997

SUBJECT: Court Orders in Conflict with Federal Law or Regulation

Problems are occurring with court orders which direct the Cabinet for Families and Children (CFC) to take action in a manner which conflicts with federal law or regulation. For example, CFC may be ordered to apply money to a non-public assistance (NPA) arrearage when AFDC/K-TAP arrearages are owed.

When an order that conflicts with federal law or regulation is received, CFC has 10 days to file a Motion to Alter, Vacate or Amend. CFC also has 30 days to file an appeal. Since appeals are very costly, every attempt to meet the 10 day deadline for the Motion to Alter, Vacate or Amend must be taken.

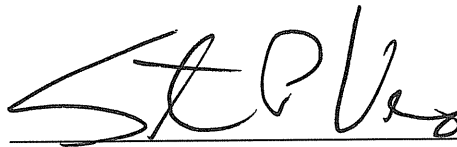
When an order directing CFC to take an action which conflicts with federal law or regulation is received, the Division of Child Support Enforcement (DCSE) caseworker must determine if CFC was represented in the court hearing. If CFC was not a party to the action, the caseworker contacts the contracting official to file the required motion or appeal. If the contracting official agreed to or signed the order or declined to take action, the caseworker immediately contacts the Honorable Graddy Johnson in the Office of the General Counsel and provides any information Mr. Johnson needs to pursue action. Additionally, if the contracting official signed/agreed to the order or declined to file a motion or appeal on CFC's behalf, the caseworker notifies the Contract Services Branch in Central Office.



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The caseworker provides the Contract Services Branch with a copy of the order and/or a summary of what occurred when he/she contacted the contracting official.

In any case, if the Motion to Alter, Vacate or Amend is not filed or if CFC does not appeal the order, the directive of the court must be followed.

A handwritten signature in dark ink, appearing to read 'SPV', is written over a horizontal line.

STEVEN P. VENO, DIRECTOR
DIVISION OF CHILD SUPPORT ENFORCEMENT

Cross Reference: Manual Section 19.000, Changes In Judicial
Establishment Cases

Retention: Until Superseded

Inquiries: Supervisors